

**House of Representatives
Transportation Reform
Section by Section Summary**

SECTION 1. This section would make a technical change related to the elimination of the Massachusetts Aeronautical Commission.

SECTION 2. This section would repeal the enabling sections for the Massachusetts Aeronautics Commission.

SECTION 3. This section would make a technical change reflecting the restructuring of the highway bureaucracy under the new Highway Division of the Department of Transportation.

SECTION 4. This section would repeal the enabling sections for the Executive Office of Transportation and Public Works and the Office of Transportation planning.

SECTION 5. This section would repeal the Massachusetts Mobility Compact which was enacted in chapter 303 of the acts of 2008 (Transportation Bond Bill II).

SECTION 6. This section would establish the Massachusetts Transportation and Infrastructure Authority:

6.1 This section would define certain terms used in the newly created Chapter 6C.

6.2 This section would establish the Massachusetts Transportation and Infrastructure Authority (hereinafter the MTIA or Authority).

This section would establish a board of directors for the Authority, to be composed of the governor, who would chair the board, and four gubernatorial appointees with the following requirements: two would have experience in the fields of finance or accounting, one would have experience in transportation planning, and one would be a registered civil engineer with at least ten years of experience.

6.3 This section would establish the powers of the Authority.

6.4 This section would require the Department of Transportation to be organized and to function as a single state agency including, but not limited to, for the purposes of the accounting and financial system of the Commonwealth.

6.5 This section would require the Secretary to identify administrative activities and functions common to the separate offices, divisions and commissions with the Authority and designate such functions as core administrative functions in order to improve administrative efficiency and preserve fiscal resources. The Authority would use the state accounting system, state payroll system and state supported interest application for procurement. Starting on December 15, 2009 and every 6 months thereafter, the Secretary shall report to the Joint Committees on Transportation, the House and Senate Committees Bonding and the House and Senate Committees on Ways and Means on the Authority's progress to implement the requirements of this section and the capital expenditures made in implementing this section.

6.6 This section would establish an Office of Performance Management and Innovation (OPMI) within the Authority. The OPMI would be charged with: (i) coordinating the

- Massachusetts Mobility Compact; (ii) evaluating the goals and measures established by the divisions, agencies, and authorities and monitoring the results reported; (iii) annually publish a “Scorecard” identifying the number of projects actively under construction and those completed in the previous year by type, value, and location, and those planned for the following year.
- This section would also require the Secretary to establish a performance measurement system for the administrative units and authorities within the Authority, which shall establish program goals, measure program performance against those goals and report publicly on progress to improve the effectiveness of transportation design and construction, service delivery and policy decision-making.
- 6.7** This section would provide that the Administrator would design and implement a program for performance evaluation of employees. The purpose of the program would be for the improvement of the performance of individual employees and the Division.
- 6.8** This section would provide that all monies received pursuant to this chapter would be deemed to be trust funds to held and applied solely as provided in this chapter.
- 6.9** This section would establish an Office of Taxpayer Advocacy, to be headed by a director appointed by the Governor for a six year term. This office would be charged with monitoring the quality, efficient, and integrity of the Authority as well as detecting and preventing fraud and abuse within the system.
- 6.10** This section would establish an Office of Transportation Planning (OTP) which shall oversee and administer the planning responsibilities of the Authority. The OTP shall be responsible for the preparation of a comprehensive and coordinated intermodal transportation plan for the Commonwealth.
- 6.11** This section would require to the Authority publish, every 5 years starting by April 30, 2010, in the MA Register a comprehensive state transportation plan for the 5 succeeding fiscal years.
- 6.12** This section would require the Authority to develop and implement, by January 1, 2012, one integrated asset management system to oversee and coordinate the maintenance, preservation, reconstruction and investment of all of the assets in its possession and control.
- 6.13** This section would create an Office of Transition Management for Transportation within the Authority to accomplish the purposes of this act. The office would monitor compliance with this act, and recommend regulations to facilitate the transfer of assets and functions from the Massachusetts Turnpike Authority, Massport, the Department of Conservation and Recreation, and the Massachusetts Highway Department to MTIA.
- 6.14** This section would allow MTIA to fix and revise tolls over the Turnpike. Such tolls must be sufficient to pay: (i) costs incurred in furtherance of this chapter related to the turnpike including the cost of owning, maintaining, repairing, etc., the turnpike and (ii) the principal of redemption premium and the interest on notes or bonds relating to the turnpike.
- 6.15** This section would provide that the Authority would be a public employer as defined in section 1 of chapter 258 of the General Laws.
- 6.16** This section would provide that the Authority is to be deemed a public agency for purposes of and shall be subject to sections 44A to 44H of chapter 149 and section

- 39M of chapter 30 and must comply with requirements applicable to an independent public authority for publication of contract information in the central register
- 6.17** This section would require the Authority use the state accounting system, state payroll system and state supported interest application for procurement.
- 6.18** This section would require the Authority to submit an annual finance plan to the Executive Office of Administration and Finance.
- 6.19** This section would allow MSTA to issue bonds for the purpose of refinance outstanding MTA bonds.
- 6.20** This section would authorize the Attorney General to represent the Authority.
- 6.21** This section would allow MSTA to take property by eminent domain.
- 6.22** This section would provide that every contract for engineering survey services awarded by the Division would be awarded to the lowest responsible and eligible bidder on the basis of competitive sealed bids publicly opened and read upon the expiration of the time for filing, provided that the Division could reject any and all bids if in the public interest.
- 6.23** This section would allow MSTA to take possession of unclaimed property.
- 6.24** This section would grant the superior court department of the trial court jurisdiction over this chapter.
- 6.25** This section would provide that the MSTA would exist until terminated by law. Said termination would not be able to occur until the satisfactory disposition of outstanding bonds was to occur.
- 6.26** This section would allow all state, county, and municipal entities to work in conjunction with MSTA.
- 6.27** This section would require the secretary, undersecretaries, commissioners and directors of DOT to be sworn to the faithful performance of their official duties.
- 6.28** This section would apply chapter 12 of the General Laws, related to the attorney general, to MSTA.
- 6.29** This section would require the Authority be subject to a biennial audit by the state auditor.
- 6.30** This section would require the Authority to annually file a detailed financial report with to the governor, the chairmen of SWM and HWM, ANF, and the comptroller.
- 6.31** This section would grant the authority tax-exempt status.
- 6.32** This section would allow the secretary to accept on behalf of the Commonwealth any federal gift, loan, or grant.
- 6.33** This section would establish a Department of Transportation within the Authority, to be under the control of a Secretary who would serve as CEO of the Authority. The Department would contain 5 administrative units, including: the highway division, the mass transit division, the aeronautics division, the division of constituent and municipal services; and the division of motor vehicles, to be known as the registry of motor vehicles.
- 6.34** This section defines the powers of Department of Transportation and codifies the agencies and divisions under its control.
- 6.35** This section would authorize the Secretary of Transportation to establish administrative units.

- 6.36** This section would establish the healthy transportation compact between the Secretary of Transportation and the Secretary of Health and Human Services to further cooperation, adoption of best practices, and increased efficiency for the purposes of achieving positive health outcomes through the coordination of land use, transportation, and public health policy.
- 6.37** This section would reestablish the Massachusetts Mobility Compact (which was originally established pursuant to Tran Bond II). The compact shall improve the delivery of transportation services in the Commonwealth by communicating regularly and more effectively and by adopting a cooperative and coordinated approach to transportation planning, design, construction, operation and maintenance aimed principally at: (1) increasing mobility for people and goods within and through the Commonwealth in a safe, secure, environmentally sustainable and efficient manner; (2) promoting and adopting administrative efficiency and program improvement initiatives between and among transportation agencies and authorities; and (3) sharing best practice techniques for implementation across transportation modes.
- 6.38** This section would require that the Department of Transportation to utilize life cycle cost modeling for all projects.
- 6.39** This section would require the Secretary to submit a report on the Department's activities within 90 days of the end of the fiscal year to the house and senate clerks, and the chairs of the joint committees on transportation, telecommunications, economic development, and house and senate ways and means.
- 6.40** The section would define terms to be used in the following 10 sections on the division of highways.
- 6.41** This section would create within Department a Division of Highways to administer, implement, and enforce Department's authority over state highways.
- 6.42** This section would establish the powers and duties of the Highway Division over the state highway system.
- 6.43** This section would establish the powers and duties of the Highway Division over the state highway system and Tobin Bridge.
- 6.44** This section would establish the powers and duties of the Highway Division over the state highway system, Tobin Bridge, and metropolitan highway system.
- 6.45** This section would allow the Undersecretary to establish administrative units within the Highway Division as necessary for efficiency.
- 6.46** This section would require the Undersecretary to establish a procedure for the review of contracts.
- 6.47** This section would authorize the Undersecretary of the Highway Division to establish a program of engineering internship and to recruit qualified persons to serve in the division as highway engineer interns.
- 6.48** This section would authorize the Undersecretary of the Highway Division to establish a co-operative engineer program and to enter into agreements with colleges of recognized standing within the Commonwealth, including colleges which have summer programs that have established a curriculum leading to a degree of bachelor of science in engineering on a so-called co-operative basis, contemplating regularly rotating work activity in the field of engineering and an equal period of classroom training.

- 6.49** This section would establish within the Highway Division a Real Estate Review Board. This section would also prohibit the Highway Division from purchasing or acquiring by eminent domain any real property or any interest in real property with a value in excess of \$300,000 without the written approval of the board.
- 6.50** This section would authorize the Highway Division provide functional replacement of real property in public ownership whenever the division has acquired such property in whole or in part under this chapter or when such property is significantly and adversely affected as a result of the acquisition of property for a highway or highway-related project and whenever the division determines that functional replacement is necessary and in the public interest.
- This section also requires the relocation of public utilities because of construction of a project which is to be reimbursed federally in whole or in part and establishes a reimbursement formula.
- 6.51** This section would authorize the Highway Division to reimburse utilities for the relocation of underground utilities because of construction of a project which is to be reimbursed federally in whole or in part and establishes a reimbursement formula.
- 6.52** This section would define terms as to be used in the following three sections related to the mass transit division.
- 6.53** This section would establish within Department a Division of Mass Transit.
- 6.54** This section would establish the powers and duties of the division.
- 6.55** This section would allow the Undersecretary to establish subdivisions within the Division of Massa Transit as necessary for efficiency. This section would also require the undersecretary to maintain a current statement of the organization of the division.
- 6.56** This section would define terms as to be used in the following two sections related to the Division of Motor Vehicles.
- 6.57** This section would establish within DOT a Registry of Motor Vehicles.
- 6.58** This section would allow the Undersecretary to establish administrative units within the Motor Vehicles Division as necessary for efficiency. This section would also require the Undersecretary to maintain a current statement of the organization of the division.
- 6.59** This section would define terms as to be used in the following three sections related to the following 4 sections.
- 6.60** This section would establish within DOT an Aeronautics Division to administer and enforce MTIA's authority over aviation matters.
- 6.61** This section would require the division to administer and enforce sections of chapter 90 related to aeronautics.
- 6.62** This section would allow the Undersecretary to establish subdivisions within the Highway Division as necessary for efficiency. This section would also require the Undersecretary to maintain a current statement of the organization of the division.
- 6.63** This section would define terms as to be used in the following 6 sections.
- 6.64** This section would establish within Department a Division of Constituent and Municipal Services to act as a community liaison and private project ombudsman.
- 6.65** This section would require the division to serve as the primary point of contact for municipalities. This section would also require that the division serve as private project ombudsman.

- 6.66** This section would allow the Undersecretary to establish administrative units within the Division as necessary for efficiency. This section would also require the Undersecretary to maintain a current statement of the organization of the division.
- 6.67** This section would allow the Secretary to re-establish a small town rural assistance program (STRAP) to assist towns with populations of 7,000 or less in undertaking projects to design, construct, reconstruct, widen, resurface, rehabilitate and otherwise improve roads and bridges or for the construction of chemical storage facilities.
- 6.68** This section would allow the Secretary to re-establish a Public Works Economic Development Program to assist municipalities with non-federally reimbursable intermodal transit center economic development projects, to design, construct, repair and improve roads, roadways, rail lines, and other transit oriented or related facilities, as deemed necessary for economic development by the secretary in consultation with the secretary of economic development upon the petition of an appropriate local governmental body.
- 6.69** This section would allow the Secretary to establish a Gateway Cities Assistance Program to assist cities and towns with more than 35,000 inhabitants but fewer than 175,000 inhabitants where (1) the unemployment rate is at least 1.5 per cent higher than the statewide average, (2) the median income of the city or town is 80 per cent or less of the state median income, and (3) the per capita income is below the state average per capita income, in undertaking projects to design, construct, reconstruct, widen, resurface, rehabilitate and otherwise improve roads and bridges and other related public works facilities as deemed necessary for economic development by the department upon the petition of an appropriate local governmental body.
- 6.70** This section would require the Secretary to establish a Regional Mobility Assistance Program to assist cities and towns in geographic regions of the Commonwealth with public works improvements and enhancements for transportation-related projects for the (1) development, rehabilitation, and improvement of tourism expansion corridors, (2) protection of historic centers, (3) promotion of improved mobility and access from neighboring states, and (4) promotion of local economic growth and reliability for transportation facilities in rural and less accessible regions of the Commonwealth.

SECTION 7. This section would update the powers of the authority related to the transfer of the Massachusetts Turnpike Authority on July 1, 2010.

SECTION 8. This section would update the powers of eminent domain for the authority related to the transfer of the Massachusetts Turnpike Authority on July 1, 2010.

SECTION 9. This section would amend section 53 of chapter 7 of the General Laws, related to public building construction, to add the Massachusetts Transportation and Infrastructure Authority to the definition of “agency”.

SECTIONS 10-13. These sections would make technical changes to reflect the elimination of the Massachusetts Turnpike Authority.

SECTION 14. This section would repeal section 63 of chapter 10 of the General Laws which establishes the Central Artery and Statewide Road and Bridge Infrastructure Fund.

This section would also transfer the balance of the fund to the Commonwealth Transportation Fund.

SECTION 15. This section would repeal the Regional Transit Authority Forward Funding Trust Fund as codified in Transportation Bond Bill II (the fund is reestablished in Chapter 6C).

SECTION 16. This section would repeal section 69A of chapter 10 of the General Laws which establishes the Transportation Deferred Maintenance Trust Fund.

This section would also transfer the balance of the fund to the Commonwealth Transportation Fund.

SECTION 17. This section would repeal the enabling language for the Department of Highways.

SECTION 18. This language would repeal language relative to the STRAP, PWED, and utility relocation programs as codified by Transportation Bond Bill II (the programs are reestablished in Chapter 6C).

SECTION 19. This section would make a technical change to section 11A of chapter 21A of the General Laws related to the elimination of the Executive Office of Transportation and Public Works.

SECTION 20. This section would make a technical change to section 11A of chapter 21A of the General Laws related to the elimination of the Massachusetts Highway Department.

SECTION 21. This section would make a technical change to section 13A of chapter 22 of the General Laws related to the elimination of the Massachusetts Turnpike Authority.

SECTION 22. This section would repeal sections 29 and 61 of chapter 22C of the General Laws upon dissolution of the Massachusetts Turnpike Authority. Section 29 requires the Colonel of the State Police to enter into an agreement with the Authority to provide police services. Section 61 allows the Colonel to appoint Mass Turnpike employees as Special State Police Officers.

SECTIONS 23-24. These sections would make technical changes related to the elimination of the Massachusetts Turnpike Authority.

SECTION 25. This section would make a technical change to section 3I of chapter 23A of the General Laws related to the elimination of Executive Office of Transportation and Public Works.

SECTION 26. This section would authorize the Department of Public Utilities (DPU) to levy an assessment against railroad companies based on intrastate operating revenues in an amount of \$750,000 to fund the oversight of railroad bridge inspections by the DPU.

SECTION 27. This section would make a technical change to section 1 of chapter 29 of the General Laws related to the elimination of the Massachusetts Turnpike Authority.

SECTION 28. This section would repeal section 2E of chapter 29 of the General Laws which establishes the Federal Highway Construction Program Fund.

SECTION 29. This section would repeal the Infrastructure Fund established pursuant to section 2O of chapter 29.

This section would also authorize the Treasurer, upon a 2/3 vote of the General Court and request of the Governor to issue bonds the proceeds of which shall be credited to the Commonwealth Transportation Fund.

This section would also require that the proceeds of any bond authorizations approved since July 1, 2008 to be credited to the Commonwealth Transportation Fund.

SECTION 30. This section would repeal section 2DD of chapter 29 of the General Laws which establishes the Capital Expenditures Reserve Trust Fund.

SECTION 31. This section would establish the Commonwealth Transportation Fund. The following would be credited to the fund: all fees received by the Registry of Motor Vehicles, all receipts credited under section 35T and chapters 64A, 64E, 64F, all monies received in satisfaction of claims by the Commonwealth for damage to highway safety signs, signals, guardrails and other highway facilities, and all receipts received by the treasurer under section 8 of chapter 10.

Remaining revenues would be used, subject to appropriation, to carry out the provisions of law relative to the use and operation of motor vehicles and trailers and for expenses authorized to administer the law relative to the gas tax and \$2 from each motorcycle registration fee would be paid into the General Fund and appropriated for the purpose of promoting motorcycle safety. The balance then remaining would be transferred to the Fund. Annual receipts into the Fund would be deemed to meet the full obligation of the Commonwealth to the Authority.

SECTIONS 32-34. These sections would make technical changes related to the elimination of the Massachusetts Turnpike Authority.

SECTION 35. This section would allow the Authority to evaluate and implement competitively procured owner controlled insurance programs, and permit the use of contractor controlled insurance programs on projects having estimated construction costs equal to or greater than \$50,000,000.

SECTION 36. This section would amend the definition of “employee” in section 1 of chapter 32 of the General Laws (state retirement) to include employees of the Massachusetts Transportation Infrastructure Authority.

SECTIONS 37-44. These sections would make technical changes related to the elimination of the Massachusetts Turnpike Authority.

SECTION 45. This section would repeal subsection 4½ of section 20 of chapter 32 of the General Laws related to the Massachusetts Turnpike Authority retirement system.

SECTION 46. This section would repeal clause (e) of subsection 7 of section 22 of chapter 32 of the General Laws related to the Massachusetts Turnpike Authority retirement system.

SECTIONS 47-51. These sections would make technical changes related to the elimination of the Massachusetts Turnpike Authority.

SECTION 52. This section would amend the definition of “employee” in section 2 of Chapter 32A of the General Laws (Group Insurance Commission), to include employees of the Massachusetts Transportation and Infrastructure Commission.

SECTION 53. This section would make a technical change to section 24 of chapter 40B of the General Laws related to the elimination of the Massachusetts Turnpike Authority.

SECTION 54. This section would repeal section 63 of chapter 10 of the General Laws which establishes the CA/T Statewide Road and Bridge Infrastructure Fund.

This section would also transfer the balance of the fund to the Commonwealth Transportation Fund.

SECTION 55. This section would make a technical change to section 5 of chapter 59 of the General Laws related to the elimination of the Massachusetts Aeronautics Commission.

SECTION 56. This section would make a technical change to section 7 of chapter 64A of the General Laws related to the elimination of the Massachusetts Turnpike Authority.

SECTION 57. This section would amend section 13 of chapter 64A of the General Laws by providing that all sums received from the excise imposed on aviation fuel would be credited to the Commonwealth Transportation Fund as would all other sums received under the excise.

SECTION 58. This section would make a technical change to section 5 of chapter 64E of the General Laws related to the elimination of the Massachusetts Turnpike Authority.

SECTION 59. This section would amend section 13 of chapter 64E of the General Laws by providing that all sums received under this chapter would be credited to the Commonwealth Transportation Fund.

SECTION 60. This section would make a technical change to section 3 of chapter 64F of the General Laws related to the elimination of the Massachusetts Turnpike Authority.

SECTION 61. This section would amend section 14 of chapter 64F of the General Laws by providing that all sums received under this chapter would be credited to the Commonwealth Transportation Fund.

SECTIONS 62-63. These sections would make technical changes related to the elimination of the Massachusetts Aeronautics Commission.

SECTION 64. This section would make a technical change to section 1 of chapter 81 of the General Laws related to the elimination of the Massachusetts Highway Department.

SECTION 65. This section would repeal the Massachusetts Turnpike Authority enabling statute effective July 1, 2010.

SECTION 66. This section would make a technical change to section 7A of chapter 85 of the General Laws related to the elimination of the Massachusetts Turnpike Authority.

SECTION 67. This section would make a technical change to section 1 of chapter 90 of the General Laws related to the elimination of the Massachusetts Highway Department.

SECTION 68. This section would make a technical change to section 1A of chapter 90 related to the elimination of Massachusetts Turnpike Authority.

SECTION 69. This section would make a technical change to section 7A of chapter 90 of the General Laws related to the elimination of the Highway Fund.

SECTION 70. This section would make a technical change to section 20G of chapter 90 of the General Laws related to the elimination of Massachusetts Turnpike Authority.

SECTION 71. This section would direct all fees received in the issuance of veterans plates, in excess of the fees set for the registration of motor vehicles into the General Fund. Remaining revenues would be used, subject to appropriation, to carry out the provisions of law relative to the use and operation of motor vehicles and trailers and for expenses authorized to administer the law relative to the gas tax and \$2 from each motorcycle registration fee would be paid into the General Fund and appropriated for the purpose of promoting motorcycle safety. The balance then remaining would be transferred to the Fund. Annual receipts into the Fund would be deemed to meet the full obligation of the Commonwealth to the Authority.

SECTION 72. This section would repeal section 34½ of chapter 90 of the General Laws which requires the Secretary of Transportation to prepare and publish in the Massachusetts Register a comprehensive state transportation plan for the years 1997 to 2003.

SECTIONS 73-75. These sections would make technical changes related to the elimination of the Massachusetts Aeronautics Commission.

SECTION 76. This section would make a technical change to section 1 of chapter 90C of the General Laws related to the elimination of the Massachusetts Turnpike Authority.

SECTION 77-80. These sections would make technical changes related to the elimination of the Massachusetts Highway Department.

SECTION 81. This section would require that the Department of Conservation and Recreation to submit its plans to the Secretary of Transportation and the Undersecretary for Highways so that it may be included in their capital plans.

SECTIONS 82-83. These sections would make technical changes related to the elimination of the Massachusetts Turnpike Authority.

SECTIONS 84-85. These sections would make technical changes related to the elimination of the Massachusetts Aeronautics Commission.

SECTIONS 86-90. These sections would make technical changes related to the elimination of the Massachusetts Turnpike Authority.

SECTION 91. This section would require all present and former employees of the MBTA who are or were injured and thereby entitled to a disability pension or to workmen's compensation to chose one or the other, but not both.

SECTION 92. This section would make a technical change related to section 91.

SECTIONS 93-94. These sections would make technical changes related to the elimination of Executive Office of Transportation and Public Works.

SECTION 95. This section would strike language in the MBTA enabling act authorizing the MBTA to execute employment contracts with senior officers up to 5 years in duration.

SECTION 96. This section would reconfigure the Board of Directors of the MBTA. The new board would consist of 5 directors, including the governor, who would serve as chair and four gubernatorial appointees with the following requirements: two would have experience in the fields of finance or accounting, one would have experience in transportation planning, and one would be a registered civil engineer with at least ten years of experience.

SECTION 97. This section would eliminate the MBTA Bond Cap.

SECTION 98. This section would extend the time for which the MBTA Board has to approve a budget from March 1 to March 15.

SECTION 99. This section would extend the time for which the MBTA has to submit a budget to the MBTA Advisory Board from March 5 to April 1.

SECTION 100. This section would limit the MBTA's liability for negligence.

SECTION 101. This section would limit the MBTA's liability for negligence.

SECTION 102. This section would require a railroad company operating commuter rail service to have a liability insurance policy in the name of the MBTA for \$75M.

SECTION 103. This section would allow the MBTA to enter into “a legal agreement” in addition to a contract with railroad companies.

SECTIONS 104-109. These sections would make technical changes related to the elimination of the Executive Office of Transportation and Public Works.

SECTIONS 110-111. These sections would make technical changes related to the elimination of the Massachusetts Turnpike Authority.

SECTION 112. This section would define the term “serious bodily injury” for the purposes of chapter 258 of the General Laws.

SECTION 113. This section would make the MBTA and the Massachusetts Turnpike Authority “public employers” for the purposes of chapter 258.

SECTION 114. This section would remove the MBTA and the Massachusetts Turnpike Authority from the definition of “public employers” for the purposes of chapter 258.

SECTION 115. This section would add an exemption for serious bodily injury for the MBTA liability cap.

SECTION 116. This section would amend the conflict of interest law to allow a state, county or municipal employees to evaluate and implement an owner controlled insurance program, so called, where such evaluation has resulted in a determination that implementation of an owner controlled insurance program as a risk management tool associated with the public building or construction contract is in the best interests of the state, county, or municipality issuing and responsible for the public building or construction contract.

SECTION 117. This section would amend the Massport enabling statute related to the Massport Advisory Board created pursuant to section 118.

SECTION 118. This section would create a Massport Advisory Board.

SECTION 119. This section would require the Department of Transportation (Department), instead of the Railroad, to provide for flag protection while the Department is performing routine maintenance to bridges crossing railroad tracks.

SECTION 120. This section would make a technical change related to the elimination of the Central Artery and Statewide Road and Bridge Infrastructure Fund.

SECTION 121. This section would require the Massachusetts Transportation and Infrastructure Authority (MTIA) and the Massachusetts Turnpike Authority to develop and implement a

transfer agreement providing for the orderly transfer and provisional appointment of personnel from the authority to the MTIA consistent with the provisions contained herein as well as the transfer of all assets, liabilities, obligations, and debt of said authority to said department not later than July 1, 2010.

This section also specifies that the transfer of the assets, liabilities, obligations, and debt of the Massachusetts Turnpike Authority to the MTIA under this act shall be effective upon dissolution of said authority and shall bind all persons, with or without notice and without any further action or documentation. In addition, this section authorizes the Undersecretary of the Highway Division to execute and record execute and record and file for registration with any Registry of Deeds or the Land Court or with the Secretary of the Commonwealth, as appropriate, a certificate confirming the Commonwealth's ownership of any interest in real or personal property formerly held by the Massachusetts Turnpike Authority and transferred pursuant to the provisions of this act.

SECTION 123. This section requires the Department of Transportation, in consultation with the Federal Highway Administration, inventory the requirements for, and assume the responsibilities of, rehabilitating and reconstructing the turnpike and metropolitan highway system in compliance with Title 23 of the United States Code.

SECTION 124. This section would establish that all current collective bargaining agreements are honored by Massachusetts Transportation and Infrastructure Authority (MTIA) until their expiration date.

This section would also direct the personnel administrator of the Commonwealth to work in conjunction with the secretary of transportation to complete a study of job titles in the former Massachusetts Turnpike Authority. Employees transferred to MTIA would receive job titles and salaries consistent with this study.

SECTION 125. This section establishes the Massachusetts Transportation and Infrastructure Authority as the successor agency to the Massachusetts Turnpike Authority.

SECTION 126. This section would transfer current Massachusetts Turnpike Authority employees to the GIC.

SECTION 127. This section would transfer current Massachusetts Turnpike Authority employees and retirees to the state retirement system.

SECTION 128. This section would ensure that all new Massachusetts Turnpike Authority employees would be members of the state retirement system.

SECTION 129. This section would prohibit the Massachusetts Turnpike Authority, for so long as it shall exist from entering into any new or amended employment agreements, which fix the compensation and conditions of employment or otherwise bind said authorities to designated contract periods.

SECTION 130. This section would prohibit Massachusetts Turnpike Authority from extending or entering into any collective bargaining agreement with an expiration date of later than July 1, 2010.

SECTION 131. This section would transfer all new MBTA employees to the GIC.

SECTION 132. This section would transfer all current MBTA employees to the GIC effective July 1, 2010.

SECTION 133. This section would require that MBTA retirees and widows, as of July 1, 2010, remain in the MBTA retirement system.

SECTION 134. This section would prohibit any MBTA employees hired on or after the effective date of this act from collecting retirement benefits before having reached at least 25 years of service and 55 years of age. This section would provide an exemption for disability pensions.

SECTION 135. This section would prohibit the Massachusetts Bay Transportation Authority, the Massachusetts Port Authority, and the Massachusetts Turnpike Authority, for so long as they shall exist from entering into any new or amended employment agreements, which fix the compensation and conditions of employment or otherwise bind said authorities to designated contract periods.

SECTION 136. This section would transfer ownership and responsibility of the Tobin Bridge and its employees from Massport to the Massachusetts Transportation and Infrastructure Authority on July 1, 2009.

SECTION 137. This section would authorize the Massachusetts Transportation and Infrastructure Authority to fix and revise tolls on the Tobin Bridge, provided they hold public hearings on any proposed change in tolling structure.

SECTION 138. This section would direct all revenue received from the Tobin Bridge to the Massachusetts Transportation and Infrastructure Fund.

SECTION 139. This section would place the care, custody and control of all bridges owned by the Commonwealth and carrying vehicular traffic which are currently under the care, custody and control of the Department of Conservation and Recreation under the authority of the Highway Division.

This section would vest these bridges with all the rights and obligations of the State Highway System, including benefits of the “footprint bridge exemption.”

This section would also require that any alteration, reconstruction, redesign, maintenance, improvement or repair of the bridges and appurtenances transferred by this act to be carried out according to standards to protect the scenic and historic integrity of the bridges and related infrastructure.

This section would also require that all unexpended funds and authorizations, which have been appropriated, from time to time, for the engineering, design, permitting, construction, reconstruction, maintenance, and other services essential to the operation of the bridges transferred by this section but not yet expended to be transferred from the Department of Conservation and Recreation to the Massachusetts Transportation and Infrastructure Authority.

This section would also require that Department of Conservation and Recreation personnel deemed necessary by the Massachusetts Transportation and Infrastructure Authority and the Highway Division for the design, construction, reconstruction, repair, maintenance, or improvement of bridges and appurtenances transferred under this act shall be transferred to the Massachusetts Transportation and Infrastructure Authority, together with the funds associated with their salary and benefits, without impairment of civil service status, seniority, retirement or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such transfer, and without loss of accrued rights to holidays, sick leave, vacation and benefits, and without change in union representation or certified collective bargaining unit as certified by the state division of labor relations or in local union representation or affiliation.

Finally, this section specifies that all duly existing contracts, leases and obligations of the Department of Conservation and Recreation relating to the assets to be transferred pursuant to this section shall continue in effect but shall be assumed by the Massachusetts Transportation and Infrastructure Authority.

SECTION 140. This section would require Massachusetts Transportation and Infrastructure Authority to issue regulations within one year of the effective date of this act, in consultation with DCR and the Massachusetts Historical Commission, on the design and construction of all roads and bridges transferred to the division of roads and bridges.

SECTION 141. This section would require the Secretary of Transportation to ensure the efficient transfer of (i) the Massachusetts turnpike authority's functions, assets, liabilities, and obligations, (ii) the Tobin memorial bridge owned and operated by the Massachusetts port authority, and (iii) the vehicular bridges and appurtenances under the control of the department of conservation and recreation, to the Massachusetts Transportation and Infrastructure Authority pursuant to this act.

This section would also provide that: any order, rule or regulation duly promulgated by or on behalf of the department of highways, the Massachusetts Aeronautics Commission, the registry of motor vehicles, and the Massachusetts turnpike authority, shall continue in full force and effect to the extent consistent with this act and the laws of the Commonwealth, and shall continue to be enforced, until superseded, revised, rescinded or cancelled by the secretary of transportation.

SECTION 142. This section relates to facilitating the orderly transfer of employees, proceedings, rules and regulations, property, and legal obligations of the following agencies: (1) the functions of the Department of Highways, as the transferor agency, to the Massachusetts Transportation and Infrastructure Authority Highway Division, as the transferee agency; (2) the

functions of the Registry of Motor Vehicles, as the transferor agency, to the Massachusetts Transportation and Infrastructure Authority, Motor Vehicles Division, as the transferee agency; and (3) the functions of the Massachusetts Aeronautics Commission, as the transferor agency, to the Massachusetts Transportation and Infrastructure Authority, Aeronautics Division, as the transferee agency.

Specifically, this section would : (i) provide for the seamless transfer of employees between the transferor and transferee agencies; (ii) provide that all petitions, requests, investigations and other proceedings appropriately and duly brought before each transferor agency or duly begun by each transferor agency and pending before it before the effective date of this act, shall continue unabated and remain in force, but shall be assumed and completed by the department of transportation; (iii) provide that all orders, rules and regulations duly made and all approvals duly granted by each transferor agency, which are in force immediately before the effective date of this act, shall continue in force and shall thereafter be enforced, until superseded, revised, rescinded or canceled, in accordance with law, by the department of transportation; (iv) provide that all books, papers, records, documents, equipment, buildings, facilities, cash and other property, both personal and real, including all such property held in trust, which immediately before the effective date of this act are in the custody of each transferor agency shall be transferred to the department of transportation; and (v) provide that all duly existing contracts, leases and obligations of each transferor agency shall continue in effect but shall be assumed by the respective transferee agency.

SECTION 143. This section would create an Office of Transition Management for with the Executive Office of Administration and Finance to accomplish the purposes of this act. The office would monitor compliance with this act, and recommend regulations to facilitate the transfer of assets and functions from the Massachusetts Turnpike Authority, Massport, the Department of Conservation and Recreation, and Massachusetts Highway Department to Massachusetts Transportation and Infrastructure Authority.

SECTION 144. This section would authorize the City of Worcester to transfer to the Massachusetts Port Authority the Worcester Regional Airport, owned by the city and operated by the authority, within one year of the effective date of this act. Said transfer shall be for fair market value.

In the event the parties cannot agree to the amount of fair compensation within 6 months of the effective date of this act, the Secretary and the Undersecretary of the Aeronautics Division shall establish such compensation in consultation with the Executive Director of the Port Authority and the City Manager of the city of Worcester.

SECTION 145. This section would require the Secretary of the Department of Transportation, in consultation with the Secretary of the Executive Office of Labor and Workforce Development and Director of Workforce Development, to institute a workforce retraining initiative to mitigate potential impacts to employees displaced by the organizational efficiencies and agency restructuring directed by this act.

SECTION 146. This section would require all Regional Transit Authorities to adopt a forward funding budgeting system. This section would also require the Secretary of the Executive Office for Administration and Finance to develop a plan and timetable for accomplishing this conversion to forward funding and to seek the necessary appropriations to implement the plan.

SECTION 147. This section would require the Highway Division of the Massachusetts Transportation and Infrastructure Authority to enter into an agreement with the Massachusetts Bay Transportation Authority to assume all bridge inspection responsibilities for any bridges owned and operated by said Authority over the roads of the Commonwealth.

SECTION 148. This section would authorize the MBTA to convey, lease, etc., or otherwise dispose of the North Station parking garage.

SECTION 149. This section would direct the bureau of environmental health to conduct a study on the health effects of particulate air pollution from surface and air transportation in Massachusetts.

SECTION 150. This section would prohibit on the rehire of any retiree the Massachusetts Transportation and Infrastructure Authority for at least 1 year after their date of retirement.

SECTION 151. This section would require the Office of the State Auditor to perform a close out audit of each agency or authority admitted to the Massachusetts Transportation and Infrastructure Authority including a catalogue of any issues relating to the agency or authority's current and future finances and operations, revenues, debt structure and internal policies and procedures that he believes are not within financial accounting board standards or practice or may violate other laws, rules or procedures.

SECTION 152. This notwithstanding section would, as of July 1, 2009, deem all amounts of any kind received by the Commonwealth which are derived from or related to the operation of the state highway system or the Massachusetts Turnpike Authority to be held in trust for and transferred and paid over to the Massachusetts Transportation and Infrastructure Authority.

SECTION 153. This section would direct the Secretary of Transportation to make a report on the life cycle costs of all projects authorized under the American Recovery and Reinvestment Act and produce an annual report annually until all project have been completed.

SECTION 154. This section would sunset section 153 on July 1, 2011.

SECTION 155. This section would require that all uncommitted and unexpended funds and authorizations, which have been appropriated from time to time to the Executive Office of Transportation and Public Works, including any agency and authority within said Executive Office be transferred to the Massachusetts Transportation and Infrastructure Authority for use by the Authority or any of its divisions for purposes consistent with such authorizations.

SECTION 156. This section would require the division of highways of the Massachusetts Transportation and Infrastructure Authority to operate and maintain all projects under the control

of the Massachusetts Turnpike Authority at such time as all payments due on account of the turnpike and the metropolitan highway system have been made, and all bonds and the interest thereon have been paid, or a sufficient amount of the payment of all such bonds and the interest thereon to the maturity thereof have been set aside in trust for the benefit of the bondholders, and contributions have been made to the several funds of the Massachusetts Turnpike Authority employees' retirement system such as are sufficient, in the opinion of the actuary, to provide for the payment of all amounts payable by the system after that date with respect to all persons then receiving allowances from the Massachusetts Turnpike Authority employees' retirement system and with respect to all persons who are then employees.

This section would continue the Massachusetts Turnpike Authority employees' retirement system, with management transferred to the state board of retirement upon the dissolution of the Massachusetts Turnpike Authority.

SECTION 157. This section would require that the Governor's initial appointments to the Massachusetts Transportation and Infrastructure Authority board be staggered.

SECTION 158. This section would allow the Executive Office of Administration and Finance to enter into contracts or agreements with Massachusetts Transportation and Infrastructure Authority to transfer bonds and notes issued by the Commonwealth for transportation purposes to the Authority.

SECTION 159. This section would credit any existing or future balance in the Infrastructure Fund to the Transportation and Infrastructure Fund.

SECTION 160. This section would direct the Comptroller to transfer the balance of the Highway Fund to the Commonwealth Transportation Fund.

SECTION 161. This section would grandfather projects that have previously been exempted from the jurisdiction of EOEEA.

SECTION 162. This section would deem the provisions of this act to provide an additional, alternative and complete method for accomplishing the purposes of this act, and to be supplemental and additional to, and not in derogation of, powers conferred upon the Massachusetts Transportation and Infrastructure Authority and others by laws, and if the provisions of this act are inconsistent with the provisions of any general or special law, administrative order or regulation, the provisions of this act would be controlling.

SECTION 163. This section would make section 4 of chapter 6C effective on July 1, 2009.

SECTION 164. This section would make section 14 of chapter 6C effective on July 1 or upon the agreement of MTA and MTIA.

SECTION 165. This section would make section 30 of chapter 6C effective on July 1, 2011.

SECTION 166. This section would make section 42 of chapter 6C effective on July 1, 2009.

SECTION 167. This section would make section 42 of chapter 6C effective on July 1, 2009 and expire on July 1, 2010.

SECTION 168. This section would make section 44 of chapter 6C effective on July 1, 2010.

SECTION 169. This section would make sections 14, 16, 31, 52, 71, 126, 127, 139 and 160 effective on July 1, 2009

SECTION 170. This section would make sections 7, 8, 22, 65, 132 and 133 effective on July 1, 2010.

SECTION 171. This section would make sections 46 and 46 of this act effective on January 1, 2013.